

March 16, 2017

Letter of Appeal
Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Re: CC Docket No. 02-6
Appeal of BEAR Invoice reduction

Vital Information

Contact Name: Patrick Doyle or Susan Melancon
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Applicant Name: Erie 1 BOCES
Billed entity number: 149384
471 application numbers: 1012609
FRN's: 2749441

Explanation of Appeal

We are writing to appeal SLD reductions made to SLD invoice 2416865. Invoice 2416865 was filed on 8/18/2016 for \$19,071.78. A remittance statement was received on 12/19/16 for a total of \$6,985.44 which was \$12,086.34 less than what was requested. We opened case # 142387 in EPC on 12/28/16 requesting an explanation of the reduction. The reasons given for the denial were "On the FCC Form 471, only "Switches" were requested/approved for this FRN. Therefore, USAC can only reimburse for "Switches" on the FCC Form 472". We disagree that only switches were requested and approved. We then filed an appeal with USAC on 12/29/16 and a denial letter was issued on 3/6/17. The reason for the denial was "Your SLD invoice includes costs for products/services that were not included as line items in your Item 21. It has been determined through our review of your appeal that the requested amount was appropriately reduced for products/services that were not included as line items in your Item 21 during PIA Review. Consequently, your appeal is denied". We disagree with their denial reason.

Application # 1012609 contained (14) FRN's for (10) different School Districts and related entities. Initially, for each FRN there was 1 FRN line item listed on the 471 application for the total amount of all the different equipment being requested for that FRN. During PIA review, a spreadsheet was sent to PIA indicating all the different types of equipment (wired and wireless) and the entity cost allocations for each FRN on the application. Also, in the narrative section of each FRN a complete listing of all the different types of equipment was given. The FCDL for application 1012609 was issued on 12/11/2015 approving all the FRN's and all equipment that was submitted during PIA review. If the PIA team felt additional 471 modifications needed to be made on the 471 application, then they would have made those changes during the PIA review process. The FCDL is evidence of approval by PIA of our 471 submission.

The equipment purchased on FRN 2749441 was for Entity # 15275, Holmes Elem School, and was purchased before the FRN was approved. The prices paid for the items were higher than the amounts approved on the Form 471 due to an error in our ordering department. The quantity and part #'s purchased were exactly those that were approved for 3 eligible/approved items (Part #'s AL1905E21-E6, AL4800E88-E6, & WAP913300-E6). The BEAR form only requested reimbursement for the 3 eligible items at the price approved from the Form 471. There was 1 ineligible item purchased (Part # WLC0050WOS) and NO reimbursement was requested for that item.

I have attached a copy of the following items: email to PIA, the spreadsheet with the requested changes, copy of the FCDL, detail of BEAR reimbursement spreadsheet, a copy of the invoice, appeal to USAC, and denial letter from USAC.

Conclusion

Based on this information we ask that the difference of \$12,086.34 be remitted to Erie 1 BOCES so that the Kenmore-Tonawanda Union Free School District may receive their eligible reimbursement for Entity # 15275, Holmes Elem School. If this cannot be done than we request an extension be allowed so we can be approved to file another BEAR form in the amount of \$12,086.34 to total the \$19,071.78 that was originally requested. There is no evidence of waste, fraud, and abuse or any deliberate attempt to circumvent any Commission rules.

Thank you for your consideration in this matter.

Sincerely,



Patrick Doyle
MCDSS, E-Rate Services